

Chapter 8.28

IMPOUNDMENT

Sections:

8.28.010 Animal shelter and facilities.

**8.28.020 Impoundment authorized—
When.**

**8.28.030 Impoundment—Record keeping
requirements.**

**8.28.040 Redemption of animals—
Restrictions.**

**8.28.050 Term of impoundment—
Destruction or other disposal of
animals.**

8.28.060 Sterilization of adopted animals.

8.28.010 Animal shelter and facilities.

A. The city shall be responsible, within its legislative discretion, to provide (by contract with the division or otherwise) suitable premises and facilities to be used as an animal shelter where impounded animals can be kept. The city, through the division, shall purchase and supply food and provide care for impounded animals.

B. The city, through the division, shall provide for the destruction of dogs, cats, ferrets, and other animals for which destruction is authorized by this title or by Utah law. Destruction shall be accomplished in accordance with standards established by the American Veterinary Medical Association, or in accordance with any other nationally recognized standards established for the proper destruction of animals; or by any method which, in the discretion of the director or the division, is proper under the then-existing circumstances.

C. The city or the division may furnish, when deemed necessary at the discretion of the director or division personnel, medical treatment to animals impounded pursuant to this title. Prior consent for such treatment from the owners of such animals shall not be required.

D. The owner of record or other identified owner of any affected animals shall be required to pay the cost of the impound and any care and keeping, medical treatment, euthanasia, and disposal provided or performed under the authority of this title with respect to such animal.

8.28.020 Impoundment authorized-When.

A. An animal control officer may impound, or leave an animal in the custody of its owner or handler, according to said officer's discretion, whenever such animal is found to be in circumstances which violate the requirements of this title. If left in the custody of the owner or handler, said owner or handler shall nevertheless be required to respond to a citation if issued by the animal control officer.

B. An animal found in the following circumstances may be impounded by an animal control officer without the filing of a criminal complaint or obtaining a prior order from a court of competent jurisdiction:

1. The animal is running at large outside its owner's or handler's premises;

2. Any animal which is required by this title to be licensed and is not licensed. An animal not wearing a license tag shall be presumed to be unlicensed for the purpose of this subsection;

3. The animal is sick or injured and its owner cannot be immediately located;

4. The animal's owner or handler requests the division to impound the animal and pays, in advance, a fee reasonably calculated to pay for the cost the division will reasonably incur during impoundment and possible destruction of the animal;

5. The animal is abandoned;

6. Animals which are not vaccinated for rabies in accordance with this title. For the purpose of this subsection, an animal not wearing a rabies tag shall be presumed to be unvaccinated;

7. The animal is known by the animal control officer to have been exposed to rabies or bitten by a rabid animal;

8. The animal is to be otherwise held for quarantine;

9. The animal is a vicious animal and not properly confined or restrained as required by section 8.24.020 of this title;

10. The animal is not being kept or maintained as required by any other provision of this title, and as a result thereof, the animal poses an imminent threat to the health and safety of persons, other animals, or itself;

11. Any animal in physical distress; or

12. Any animal considered a nuisance or a public nuisance animal.

C. The circumstances set forth above in this section are not intended to be a complete list of those in which the city, the division, and/or an animal control officer may impound an animal without a prior order from a court of competent jurisdiction; and said officers are authorized to act as necessary to maintain the peace and safety of the city under the requirements of this title and all other applicable law.

8.28.030 Impoundment–Record keeping requirements.

The impounding facility shall keep record of each animal impounded, which shall include the following information:

A. Complete description of the animal, including tag numbers, any microchip information and any other identification;

B. The manner and date of impound;

C. The location of the pickup and name of the officer picking up the animal;

D. The manner and date of disposal;

E. The name and address of the person who redeems, purchases or adopts the animal;

F. The name and address of any person relinquishing an animal to the impound facility;

G. All fees received on behalf of the animal; and

H. All costs of impoundment allocable to the animal which accrues during its impoundment.

8.28.040 Redemption of animals–Restrictions.

A. The owner of any impounded animal or his authorized representative (a legally responsible adult of age 18 or more) may redeem such animal before disposition, provided he pays:

1. The impound fee;

2. The daily board charge;

3. Veterinary costs incurred during the impound period, including rabies vaccination or rabies vaccination deposit;

4. License fee, if required;

5. A transportation fee if transportation of an impounded animal by specialized equipment is required. “Specialized equipment” is that equipment, other than the usual patrol and operation vehicles of animal control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. The director shall determine this fee at a level that approximates the cost of utilizing the specialized equipment in the particular situation;

6. Any other expenses incurred to impound an animal in accordance with state or local laws;

7. Any unpaid (past due) fees and fines incurred by the owner;

8. The cost of purchasing a inserting a microchip identification device in the animal; and

9. If any dog or cat is fertile, a sterilization deposit and any other fees necessary to comply with the requirements of Utah law including *Utah Code Ann.* § 17-42-101, *et seq.* For the purposes of this subsection, the term “recipient” contained in the referenced Utah statute shall include an owner or his authorized representative who is redeeming his animal after impound.

B. If an animal is impounded, the owner shall be required to purchase microchip identification at the time the animal is released from impoundment.

C. Upon the third impoundment and prior to the release of said animal, said animal shall be sterilized. Payment of all fees shall be required and sterilization completed prior to release.

D. The city council shall set, and periodically revise when necessary, impound fees and daily board charges for the impounding of animals. Such fees shall be as stated on the attached fee schedule. Such fees may take into account the type of animal impounded, the owner's compliance with animal licensure requirements, the number of confinements in the preceding 24 months, and the duration of the confinement. No impound fees will be charged the reporting owners of suspected rabid animals if they comply with chapter 8.20 of this title.

**8.28.050 Term of impoundment—
Destruction or other disposition
of animals.**

A. If an animal is not wearing a license tag or other identification, the animal shall be impounded for a minimum of three working days before further disposition. If an animal is wearing a license tag or other identification it shall be held a minimum of five working days.

B. During the impound period, reasonable efforts shall be made to notify the owner of any animal wearing a license or other identification.

1. Notice shall be deemed given when sent to the last known address of the listed owner.

2. In the event an owner is notified of the impoundment of his animal, and fails to either redeem or formally release said animal to the agency, the owner shall be responsible for payment of all impoundment fees and/or charges.

C. Any animal voluntarily relinquished to the division by the owner thereof for destruction or other disposition need not be kept for the minimum holding period.

D. All animals, except those quarantined or confined by court order, or stray livestock or farm animals subject to state law requirements, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the director shall direct. The fee for animals other than pets (i.e., livestock, birds, snakes, etc.) shall be the market value of the animal.

E. Any healthy domestic animal excluding livestock may be sold or adopted by anyone meeting the requirements of the division for a price to be determined by the director, to include appropriate registration, rabies vaccination, microchip, and sterilization fees.

F. Any healthy animal which is placed into a new home under this chapter shall be sterilized provided that:

1. In the event the animal is not sterilized prior to going into the new home, the adopter is required to insure that the surgery is completed within an agreed upon period of time; and

2. If the adopter fails to complete the sterilization of the animal within the approved time period or fails to comply with any part of any agreement made within the adoption process, the adopter forfeits all rights to the animal and the division may reclaim said animal.

G. The director may recover all costs incurred by the division in the impoundment and care of any animal sold to a certified research institution pursuant to the laws of the state of Utah.

H. Any licensed animal im-pounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, as determined by the

director, may be released to the care of a veterinarian.

I. When, in the judgment of the director, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established in this title, and without court order.

J. The director may destroy an animal upon the request of an owner without transporting the animal to an animal shelter. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass destroyed by the division.

8.28.060 Sterilization of adopted and impounded animals.

A. A dog, cat, ferret or rabbit adopted from the division's animal facility shall be sterilized.

B. The division may allow the conditional adoption of an unsterilized dog, cat, ferret or rabbit, because of the age of the animal, or as otherwise deemed necessary by the division. Said conditional adoption shall become final upon proof to the division that the animal has been sterilized. Failure to sterilize results in forfeiture of the animal to the division.

C. A dog or cat owner reclaiming an impounded pet shall comply with any applicable requirements established by *Utah Code Ann. § 17-42-101, et seq.* or other applicable Utah law and implemented by the division to conform with said law.